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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/822,351

04/09/2004

Krishnamurthy Viswanathan

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EXAMINER

RODRIGUEZ, WILLIAM H

ART UNIT

PAPER NUMBER

3746

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/822,351	Applicant(s) VISWANATHAN, KRISHNAMURTHY	
	Examiner William H. Rodriguez	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 3, 5, 8-22 and 24-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 23 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/21/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of the species of figure 22 (claims 1, 2, 4, 6, 7 and 23) in the reply filed on 03/27/2007 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Pinker (US 6,415,598).

Pinker (particularly figure 1) teaches an exhaust nozzle for a turbofan engine (by-pass gas turbine engine, see abstract) providing separate non-mixed fan and core flow stream, the engine comprising: a fan nozzle 1, a primary nozzle 2 disposed at least partially within said fan nozzle, said primary nozzle having a downstream edge portion through which a core flow stream from said engine exits, said downstream edge forming a beveled edge comprising an angle α between about 5-45 degrees relative to a reference plane extending orthogonal to a longitudinal axis of the primary nozzle, said beveled edge portion comprising an outermost edge portion.

Since Pinker has the same structure as claimed, it is inherent that Pinker's device would be able to perform the recited method steps.

Notice that the angle α (cl. 2 ll. 12-13) is within the claimed range of 5-45 degrees, for instance an α angle of 30 degrees is between 5-45 degrees as claimed.

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4. Claims 1, 2 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Mathews et al. (US 6,314,721).

Mathews (particularly figures 1 and 2) teaches an exhaust nozzle for a turbofan engine providing separate non-mixed fan and core flow stream, the engine comprising: a fan nozzle 30, a primary nozzle 20 disposed at least partially within said fan nozzle, said primary nozzle having a downstream edge portion through which a core flow stream from said engine exits, said downstream edge forming a beveled edge (52) comprising an angle between about 5-45 degrees relative to a reference plane extending orthogonal to a longitudinal axis of the primary nozzle, said beveled edge portion comprising an outermost edge portion.

Since Mathews has the same structure as claimed, it is inherent that Mathews' device would be able to perform the recited method steps.

Notice that the angle shown by Mathews is within the claimed range of 5-45 degrees, for instance in Mathews an angle of 30 degrees is between 5-45 degrees as claimed.

5. Claims 1, 2 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Bhat et al. (US 4,288,984).

Bhat (particularly figure 19) teaches an exhaust nozzle for a turbofan engine providing separate non-mixed fan and core flow stream, the engine comprising: a fan nozzle 2, a primary nozzle 7 disposed at least partially within said fan nozzle, said primary nozzle having a downstream edge portion through which a core flow stream from said engine exits, said downstream edge forming a beveled edge comprising an angle between about 5-45 degrees (as shown in the drawings) relative to a reference plane extending orthogonal to a longitudinal axis of the primary nozzle, said beveled edge portion comprising an outermost edge portion.

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Since Bhat has the same structure as claimed, it is inherent that Bhat's device would be able to perform the recited method steps.

Allowable Subject Matter

6. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Rodríguez whose telephone number is 571-272-4831. The examiner can normally be reached on Monday-Friday 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Ehud Gartenberg can be reached on 571-272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



William H. Rodríguez
Primary Examiner
Art Unit 3746

4/19/07